

**INSTRUCTIONS FOR PREPARING LEGAL NOTICES FOR
BOARD OF ZONING APPEALS (BZA) PUBLIC HEARINGS**
(These instructions are also available with colored illustrations at
www.fairfaxcounty.gov/dpz/bza/bza-notifications.pdf)

The Department of Planning and Zoning staff is responsible for ensuring that legal notice requirements to property owners have been satisfied for the Board of Zoning Appeals public hearings. In accordance with the Fairfax County Zoning Ordinance (Sect. 18-110, Paragraph 4), the applicant or agent, individually and as designee of the staff, shall prepare and mail out legal notices in accordance with these instructions. Failure to accurately comply with the instructions prior to the designated deadline shall be due cause to cancel the hearing and reschedule it at a later date.

Notices must be sent by certified mail, return receipt requested. All costs, including postage, will be the responsibility of the applicant/agent. Please ensure you request a Domestic Return Receipt and use PS Form 3811. If the notices are sent by certified mail without requesting a return receipt, they will have to be resent properly at additional expense to you.

What must I do after I have prepared and mailed the notices?

Prior to the **20-day deadline**, submit the following items to the Special Permit and Variance Branch of the Department of Planning and Zoning, Suite 801, 12055 Government Center Parkway, Fairfax, Virginia 22035:

1. A list of the names, mailing addresses, and tax map numbers to which you sent the notices. (See page 4 for a sample list.) (This information must be obtained from the Fairfax County Tax Assessment records. See pages 2 and 5 for more information.)
2. The postmarked PS Forms 3800 (green and white) that were given back to you when you mailed the notices at the post office. (See page 6)
3. A copy of the dated Legal Notice and Map as a sample of what you sent to each property owner. (One copy of each is enclosed in this mailing.) No other items can be included in the notice mailings. If you would like to send any additional information regarding your project to your neighbors, you must do so in a separate mailing.
4. The attached completed Legal Notice Certification form. (Page 7)

It is strongly suggested that you submit the above items in person at our offices. Once your information is received in our offices, our staff will check the information and contact the person who prepared the notices if any errors or problems are found. Any corrected or additional notices must be postmarked no later than the **15-day deadline**. If you choose to mail the above items to our offices, please do so by First Class Mail. However, if they are delayed in the mail, it may jeopardize your hearing date and cause your hearing to be rescheduled to a later date and the notice process to be repeated.

Please refer to the enclosed Board of Zoning Appeals Deadline Schedule to determine the **15-day and 20-day deadlines** for your hearing date.

Once you have submitted the above items to our office and it has been determined that all information is in order, your responsibility for the notice process ends. When the mail carrier delivers the notices to your neighbors, the mail carrier will tear off the return receipt postcards and mail them to our offices where they will become a permanent part of your application file. If the mailings are refused or undeliverable for any reason, the entire envelope will be marked accordingly by the mail carrier, mailed to our offices, and will also become a permanent part of your application file as evidence that notification was attempted.

What supplies will I need to prepare the notices?

PS Forms 3800 (These forms can be obtained from any U.S. Post Office.)

PS Forms 3811 (These forms can be obtained from any U.S. Post Office.)

Legal Notice and Map (One copy is enclosed in this mailing. Additional copies will be needed.)

Business size envelopes

Paper

Department of Planning and Zoning return address labels (One sheet is enclosed in this mailing. The labels are to be used on the back of PS Form 3811 and as the return address on the front of the envelopes. Do not use the applicant/agent for the return address.)

To whom do I send the notices?

Notices must be sent to the mailing address of record of all owners of properties adjoining/abutting the application property; however, a minimum of 10 notices must be sent. What this means is, disregarding any streets or alleys, notices must be sent for any property which touches the application property, to the front and rear, on either side, and diagonally from the application property. If there are not 10 properties adjoining/abutting the application property, move outward from the application property and select the next closest properties until the minimum of 10 notices is reached. If there are multiple properties with the same owner/mailing address, show the additional tax map numbers on your list, but only send one notice to that owner, which counts as only one towards the 10-notice minimum.

- If the notices are prepared by someone other than the owner of the application property, for example, an agent or attorney, a notice must be sent to the owner of the application property, and that notice does not count towards the 10-notice minimum.

How do I obtain the mailing address of record for the adjoining/abutting property owners?

The mailing addresses of record are contained in the Fairfax County Tax Assessment records. They can be obtained by one of two ways:

1. By using the Internet at the **Department of Tax Administration** site found at www.fairfaxcounty.gov/dta/ (See page 5 for more information and examples of screenshots from the site.)
2. By visiting the offices of the **Department of Tax Administration** at the Fairfax County Government Center, Suite 223, 12000 Government Center Parkway, Fairfax, Virginia 22035.

Do not obtain the addresses by contacting the persons residing at the properties or looking for

the street numbers on the houses or curbs because the persons residing at the property may not be the owners. The notices must be mailed to the mailing addresses which were supplied to the County by the property owners directly or through the settlement process when the property was purchased. Even if you believe the information in the Fairfax County Tax Assessment records is incorrect, use the Tax Assessment information. It is the responsibility of the individual property owners to ensure their mailing address of record is kept current. You are welcome to send an additional courtesy notice to the person/address you believe to be correct, but it will not count towards the 10-notice minimum.

Will my hearing be advertised in any other manner or require further notification?

In accordance with Sect. 18-110 of the Zoning Ordinance, notice of the public hearing will be published in The Washington Times Newspaper as well as a sign will be posted by County personnel on the application property. The posting of the property will take place approximately 15 to 21 days prior to the hearing date. The purpose is to provide legal notification to all interested parties. Please do not remove or deface the sign because it could cause a deferral of the hearing or dismissal of your application. The sign will be removed approximately one week after the hearing unless the hearing is deferred.

If an application is deferred to a date more than 30 days from the original BZA public hearing date, the applicant/agent is required to again send notices indicating the new hearing date.

Additional Notes:

- For notification purposes, when the application property involves part of a parcel, the entire parcel is to be treated as the subject property.
- If the application property is an individual condominium or cooperative unit within a condominium or cooperative building, written notice shall be provided to:
 - (a) The condominium unit owners' association or proprietary lessees' association; and
 - (b) Unit owners immediately abutting the application property or on the same floor of the building as the application unit and those unit owners immediately above and below the application unit.
- When the application property is abutting or immediately across the street from a condominium or cooperative property, written notice shall be provided in accordance with the following:
 - (a) When the application property abuts or is immediately across the street from open space or common ground of a condominium or cooperative, the condominium unit owners' association or proprietary lessees' association shall be notified in lieu of the individual unit owners; and
 - (b) Where individual condominium or cooperative units or lots abut or are immediately across the street from the application property, written notice shall be sent to the owner of each such unit.
- When the mailing address for the application property owner and/or abutting property owners is outside of the United States, call your local Post Office to determine whether a Registered Mail Receipt must be used instead of PS Form 3800 (Receipt for Certified Mail).

- The notification requirements also apply to owners of adjacent/abutting property in an adjoining county or city. The names and mailing addresses of the owners of parcels located in jurisdictions other than Fairfax County shall be taken from the current real estate tax assessment records of those jurisdictions.

Where can I get additional information?

For additional information or assistance, please contact the Clerk or Deputy Clerk to the Board of Zoning Appeals at 703-324-1280.

Sample of Mailing List

Applicant(s)' Name: George and Martha Washington

Application Number(s): SP 2012-MM-001 and VC 2012-MM-001

Hearing Date: January 1, 2009

<u>Name and Mailing Address</u>	<u>Tax Map Reference No.</u>	<u>Certified Receipt No.</u>
John Doe P.O. Box 202 Fairfax, Virginia 20202	0202 02020222	7011 1570 0000 8844 5942
Thomas Jones 1002 America Street Fairfax, Virginia 20202	0202 02020217	7011 1570 0000 8844 5943
3...		
4...		
5...		
6...		
7...		
8...		
9...		
10 or more ...		

Department of Tax Administration's Real Estate Assessment Information Site

Profile

Tax Map Reference Number

Owner's Name and Mailing Address

MAP # 0202 02020222

Owner

Name DOE JOHN

Mailing Address P.O. BOX 202 FAIRFAX VIRGINIA 22002

Parcel

Property Location 1000 AMERICA ST

Map # 0202 02020222

Tax District 90000

District Name SULLY

Land Use Code Single-family, Detached

Land Area (acres) 11.332

Land Area (SQFT) PDH-2(Residential 2 DU/AC)

Zoning Description WATER CONNECTED

Utilities SEWER CONNECTED

County Historic Overlay District GAS NOT AVAILABLE

Streets/Road PAVED

Site Description BUILDABLE-AVERAGE CUL-DE-SAC

Legal Description

Legal Description AMERICAN FARMS

LT 22 SEC 9

Last Refresh Date

Date last refreshed: 21-JAN-12

General Information

Need Help?

For questions and requests for information about the Real Estate site, call 703-222-8234 or [CLICK HERE](#)

Disclaimer

Under Virginia State law these records are public information. Display of this information on the Internet is specifically authorized by Va. Code 58.1-3122.2 (1998). See the Virginia State Code to read the pertinent enabling statute.

If you believe any data provided is inaccurate or if you have any comments about this site, we would like to hear from you. Owner names will be withheld from the Internet record upon request. Comments or requests may be made via e-mail to the Real

Go to: www.fairfaxcounty.gov/dta/
Click on the link under Real Estate for "Real Estate Assessment Values."

On the new page, in the first paragraph (fourth line), click on the word "address" to search by address.

When the new page opens, input the application property address and click on the "Search" button.

This will bring you to the Profile (shown to the left) of the application property, which shows the mailing address for the property owner.

Then click on the word "Map" in the upper left-hand corner, and the page will change to show you the Map (shown to the lower left) of the area with the application property outlined in red.

To find the information for the neighboring properties, click on each property on the map while using the select tool. The red outline will change to that property. Then click on the word "Profile" in the upper left-hand corner to get the mailing address and tax map number for that neighboring property.

Continue this process by selecting a property on the Map page and then getting the mailing information and tax map number on the Profile page for each property.

Map

Select Tool

MAP # 0202 02020222

Owner

Name DOE JOHN

Mailing Address 1000 AMERICA ST

Parcel

Property Location 1000 AMERICA ST

Map # 0202 02020222

Tax District 90000

District Name SULLY

Land Use Code Single-family, Detached

Land Area (acres) 11.332

Land Area (SQFT) PDH-2(Residential 2 DU/AC)

Zoning Description WATER CONNECTED

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In this example to the left, the application property is the one with the "happy face" on it. The surrounding properties which require notification have stars on them. In this case, more than the minimum of 10 notices need to be mailed, because if the streets and alleys are disregarded, 12 properties will touch the application property.

Even though only the driveway of the large property to the far west abuts the application property, a notice is required. The large parcel with the star located to the north of the application property is open space, a wooded area, but it is still owned by someone, and a notice is required. If there is no structure on an abutting property, notification to the owner of record is still required. The group of three properties at the northwestern end of the cul-de-sac that have pipestem driveways are required because the pipestem portion would touch the application property when the street is disregarded.

PS Form 3800 (Front)

(Green and White)

PS Form 3800 (Back)

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com.

OFFICIAL USE

Postage \$
 Certified Fee \$
 Return Receipt Fee (Endorsement Required) \$
 Restricted Delivery Fee (Endorsement Required) \$
 Total Postage & Fees \$

Sent to: John Doe
 Street Apt. No. or PO Box No. P.O. Box 202
 City, State, ZIP+4 Fairfax, Virginia 20202

PS Form 3800, August 2006 See Reverse for Instructions

Certified Mail Provides:

- A mailing receipt.
- A unique identifier for your mailpiece.
- A record of delivery kept by the Postal Service for two years.

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail[®] or Priority Mail[®].
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS[®] postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.
 PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

PS Form 3811 (Front) (Green)

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 John Doe
 P.O. Box 202
 Fairfax, Virginia 20202

2. Article Number
 (Transfer from service label)

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☒ Agent ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes ☐ No
 If YES, enter delivery address below:

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

PS Form 3811 (Back) (Green)

UNITED STATES POSTAL SERVICE

First-Class Mail
 Postage & Fees Paid
 USPS
 Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Department of Planning and Zoning
 Special Permit & Variance Branch
 10255 Government Center Parkway
 Suite 801
 Fairfax, Virginia 22035

SP 2012-MM-001

Fill in the name and address of the person to whom the notice is to be sent.

Put an "X" in the box for Certified Mail.

Use one of the enclosed return address labels for the Department of Planning and Zoning. Also, use one of the labels as the return address on the front of the envelope.

Put your application number(s) here.

Legal Notice Certification

I certify, as the applicant and/or designee of the Clerk to the Board of Zoning Appeals, that I have mailed the required legal notice and map for the Board of Zoning Appeals public hearing on _____ for Application _____
Hearing Date Application Number(s)
in strict accordance with the instructions furnished me by the Department of Planning and Zoning.

(Signature)

(Printed Name)

(Address Line 1)

(Address Line 2)

(Telephone number)